

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STORUS CORPORATION,

Plaintiff,

v.

RESTORATION HARDWARE, INC., et al.,

Defendants

No. C-06-2454 MMC

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION TO CONSOLIDATE ACTION,
RESCHEDULE ACTION AND STAY
DISCOVERY PENDING SETTLEMENT
CONFERENCE; SETTING TELEPHONIC
CASE MANAGEMENT CONFERENCE**

Before the Court is defendants Skymall, Inc. and Aroa Marketing, Inc.'s Motion to Consolidate Action, Reschedule Action and Stay Discovery Pending Settlement Conference, filed March 14, 2007. Plaintiff Storus Corporation has filed partial opposition, to which defendants have replied. Having reviewed the papers filed in support of and in opposition to the motion, the Court deems the matter appropriate for decision on the papers, VACATES the hearing scheduled for April 6, 2007, and rules as follows.

First, to the extent defendants seek to consolidate for all purposes the instant action with Storus Corporation v. Aroa Marketing, Inc., Case No. 06-7376 MMC, the Court hereby GRANTS the motion.

Second, to the extent defendants seek to have a single pretrial and trial schedule apply to both cases, the Court hereby GRANTS the motion. In that respect, the Court will

1 conduct a telephonic case management conference on April 6, 2007, at 10:30 a.m.¹ The
2 parties shall file, no later than April 4, 2007, a Joint Statement Re: Pretrial and Trial
3 Schedule, in which they shall set forth their joint view or separate views as to (1) whether
4 any or all deadlines and dates contained in the Pretrial Preparation Order filed August 16,
5 2006 should be reset in light of the consolidation, and (2) whether plaintiff should file a
6 Consolidated Amended Complaint to set forth in one pleading each claim alleged against
7 defendants herein and in the complaint filed in Case No. 06-7376.

8 Third, to the extent defendants seek a stay of discovery pending the settlement
9 conference scheduled for June 1, 2007, the motion is hereby DENIED, there being an
10 insufficient showing to warrant such stay. To alleviate defendants' concern as to possible
11 duplication of discovery, however, the Court will treat the two consolidated actions as one
12 case for purposes of discovery limits.

13 **IT IS SO ORDERED.**

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15 Dated: March 30, 2007

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17 MAXINE M. CHESNEY
18 United States District Judge
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28 ¹The initial case management conference, scheduled for April 20, 2007, in Case No. 06-7376 is hereby VACATED.